IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No.1183 of 2005 (M/B)

1. Lalit Kumar S/o Sri Mahesh Chandra (Husband)
2. Mahesh Kumar, So Sri Chote Lal (Father-in-law)
3. Smt. Saroj Devi, W/o Sri Mahesh Kumar (Mother-in-law)
4. Km. Pratibha Chandra D/o Sri Mahesh Chandra (Sister-in-law)
5. Balwant S/o Sri Chhote Lal
6. Smt. Anita W/o Sri Balwant
7. Pawan S/o Sri Balwant Singh

All R/o 161, Mata Mandir Road,
Village Ajabpur Kalan, Police Station Dalanwala,
District Dehradun. …… Petitioners

Versus

1. State of Uttaranchal
   Through Senior Superintendent of Police, Dehradun.
2. Senior Superintendent of Police, Ghaziabad.
3. Rajendra Bhigan Balmiki, S/o Sri Khaderu Singh,
   R/o V-9, 23 Raj Nagar, P.S. Kavi Nagar,
   District Ghaziabad.
4. Smt. Sarita W/o Sri Lalit Kumar
   D/o Sri Rajendra Bhigan Balimiki,
   R/o V-9, 23 Raj Nagar, P.S. Kavi Nagar
   District Ghaziabad. ….. Respondents

Sri N.C. Gupta, Advocate for the petitioners.
Sri D.K. Sharma, Govt. Advocate for respondents 1 and 2.
None for respondents 3 and 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Sri N.C. Gupta, Advocate for the petitioners.

Sri D.K. Sharma, Govt. Advocate for respondents 1 and 2.

None for respondents 3 and 4.

2. Sri D.K.Sharma, the learned Government Advocate submits that the investigation of the case registered on the F.I.R. lodged by respondent no. 4 Smt. Sarita against the petitioners has been transferred to Police Station Kavi Nagar, district Ghaziabad vide order dated 21.10.2005 passed by the

Deputy Inspector General of Police, Garhwal Range, Uttaranchal and as such the present writ petition is not maintainable.

3. Sri Nanak Chand Gupta, the learned counsel for the petitioners, in view of the above development, submits that the petitioners may be granted reasonable time to file writ petition before the High Court of Allahabad for the reliefs sought in this writ petition and the interim protection granted by this Court vide Order dated 20.10.2005 may be extended till then.

4. On due consideration, it is directed that the interim order passed by this Court on 20.10.2005 shall continue to remain in force for a further period of two weeks from today or passing of the interim order by the Allahabad High Court, whichever is earlier. In the meantime, the petitioners, if so advised, may file a petition before the Allahabad High Court.

5. Wit the above direction, the writ petition stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
20.06.2006 20.06.2006

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